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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, February 16 2011 at 9:30 a.m.
PLACE:	Conference Room A, Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	May 18, 2011

MEMBERS PRESENT

Sebastian Hamilton, R.Ph, Professional Member, President
Howard Simon, R.Ph, Professional Member, Vice President
Sandra Robinson, R.Ph, Professional Member
Joli Martini, R.Ph, Professional Member
Jay Galloway, Public Member
David W. Dryden, R.Ph., J.D., Executive Secretary

MEMBERS ABSENT

Geoffrey N. Christ, Esq., R.Ph, Professional Member
Don Holst, R.Ph, Professional Member
David Bonar, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Judy Letterman, Administrative Specialist III

ALSO PRESENT

Suzanne Raab-Long
Trent Beach
Cheryl Heiss
Michael Baker
Priti Patel
Kristin Ball
Joanne Krakowiak
Maryanne Holzapfel
Betsy Parsons
Jeanne Chiquione

CALL TO ORDER

Mr. Hamilton called the meeting to order at 9:31 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Simon, seconded by Ms. Robinson, to approve the January 19, 2011 minutes as presented. The motion was unanimously carried.

PRESIDENT'S REPORT

Mr. Hamilton presented the Board with a copy of the news article concerning the Indiana General Assembly and their bill revising the statute to allow pharmacies to take back unused prescriptions. He also provided a copy of his Physician Assistant Regulatory Council Report.

Mr. Hamilton welcomed the Board's new public member Jay Galloway.

UNFINISHED BUSINESS

Legitimate Medical Purpose – Internet Pharmacy Proposal

No report

Drug Disposal

Mr. Dryden reported that the national drug disposal event is scheduled on April 30, 2011 from 10 am to 2 p.m. The sites have not yet been determined.

He also informed the Board that the Regulatory Sub-Committee met last week and made recommended changes. These changes will be reviewed by the Controlled Substance Committee next week at their regularly scheduled meeting.

Mr. Dryden and Ms. Davis-Oliva will be meeting with the Department of Homeland Security and Safety to discuss the amendments to House Bill 235.

Regulation 7 Review

Ms. Robinson reported that the Committee met on February 10, 2011 at Governor Bacon to review Regulation 7. The Committee recommended the Board of Pharmacy note that they are concerned with safety issues raised by non-legend vet medications being used for human consumption but that they will not take any action at this time since this is not current data. However, the Board could further review this safety concern if this became an issue in the future.

A motion was made by Ms. Robinson, seconded by Mr. Simon to approve the Regulation 7 Committees' recommendation. The motion was unanimously carried.

State of Emergency Issue Update

No report. This item will be removed from the agenda.

Medication Error Guidelines

Mr. Dryden stated at the last meeting there was a disciplinary hearing concerning a pharmacist and a medication error with no harm to the patient. The Board asked why the incident had escalated to a hearing instead of counseling as per Section 2520 of the Board's statute.

Mr. Dryden presented the Board with a copy of Medication Error Delaware Board of Pharmacy Guidelines, which has been used in this situation. The guidelines are the UPS Standards concerning medication errors. The guide contains, “type of error category, results of error and recommended action”. The Board wanted to see changes that would address a situation of multiple errors and the escalation of disciplines accordingly. Further discussion will continue at the next meeting after edits to the Guidelines are made.

Mr. Hamilton informed the Board that he and Mr. Dryden reviewed the complaints as requested by the Board. These complaints had been submitted by the Office of the Attorney General, to determine whether or not the incident warranted a hearing or counseling under Section 2520. No further action was recommended by Mr. Hamilton and Mr. Dryden on each of these complaints.

Complaint Reviews

Mr. Hamilton stated that at the last meeting, the Board was informed that at the time of every renewal any facility with disciplinary action must submit a copy of Decision & Order to be reviewed by the Board to determine the degree of the incident and if a complaint should be filed. Since the Board office receives a large number of Decision and Orders during each renewal cycle and since these issues do not routinely affect Delaware directly, Mr. Dryden asked that he be authorized to review the Order to determine whether a complaint should be filed with the Division's investigation unit. Any direct Delaware infraction assessed by the Executive Secretary would be addressed through the complaint process.

A motion was made by Ms. Robinson, seconded by Ms. Martini to allow the Executive Director review and determine whether a complaint should be filed. The motion was unanimously carried.

Continuing Education Reviews

The Board received a request from the Delaware Pain Initiative to be a provider of continuing education.

A motion was made by Mr. Simon, seconded by Ms. Martini to approve their request. The motion was unanimously carried.

The Board discussed licensees who were selected for post-renewal that were deficient. The deficiencies were due to either, taking continuing education before or after the license period, not having the required number of hours, the continuing education submitted was questionable and those who did not respond to the audit notice.

A motion was made by Ms. Robinson, seconded by Mr. Simon to propose to deny the licensees who did not respond to the post renewal audit. The motion was unanimously carried.

A motion was made by Mr. Simon, seconded by Ms. Martini to send a letter informing those who submitted non-ACPE credits that the continuing education was not acceptable and that they had 30 days to submit new CE. The motion was unanimously carried.

A motion was made by Mr. Simon, seconded by Ms. Robinson to propose to deny the licensees who were short on their continuing education submission. The motion was unanimously carried.

A motion was made by Mr. Simon, seconded by Ms. Martini to send a letter to those who had taken courses before and after the licensure period who had completed 30 credits, informing them that the Board acknowledged and accepted their submission but that their file will be flagged for the 2011 post renewal audit. The motion was carried by Mr. Simon, Ms. Martini, Mr. Hamilton and Mr. Galloway. Ms. Robinson was opposed.

A motion was made by Mr. Simon, seconded by Ms. Martini to send a letter to those who had taken courses after the licensure period, informing them that the Board acknowledged and accepted their submission but that their file will be flagged for the 2011 post renewal audit. The motion was carried by Mr. Simon, Ms. Martini, Mr. Hamilton and Mr. Galloway. Ms. Robinson was opposed.

NEW BUSINESS

Pharmacist-In-Charge (PIC) and Consultant Interviews

Mr. Simon conducted the PIC interviews for Michael Baker and Priti Patel.

Pharmacist Consultant Interviews

Mr. Simon conducted the consultant interviews for Kristen Ball and Betsy Parsons.

Pharmacist Licensure Ratifications

A motion was made by Ms. Robinson, seconded by Mr. Simon, to ratify the applications of Kalphkumar Patel, Megan Turner, Maryan Maghsoodnia, Pradeep Chilakapati, Nelson Kardos, Kshitij Jain, Venkata Padmanabhuni, Marc Beard, Lucy Phuong Vo, Rajesh Rajput, Lorraine Massey. The motion unanimously carried.

Ratification of Facility Applications

The Board reviewed the application of Green Valley Drugs Home Health due to disciplinary action in the State of Nevada.

A motion was made by Mr. Simon, seconded by Ms. Martini to approve the application for licensure. The motion was unanimously carried.

The Board reviewed the application of Reliance Wholesale, Inc due to information concerning a 2006 criminal background check.

A motion was made by Ms. Robinson, seconded by Mr. Simon to approve the application for licensure. The motion was unanimously carried.

The Board reviewed the application of FMC Distributor concerning a 1991 and 2007 criminal background check.

A motion was made by Mr. Simon, seconded by Ms. Robinson to approve the application for licensure. The motion was unanimously carried.

The Board reviewed the application of Exel Inc, due to a 1999, 2001 and 2003 criminal background check.

A motion was made by Mr. Simon, seconded by Ms. Robinson to approve the application for licensure. The motion was unanimously carried.

Ratification of Facility Applications

A motion was made by Mr. Simon, seconded by Ms. Martini to ratify the facility application of Walgreens #11756, Kirkwood Pharmacy, Patterson Logistics Services, Inc, Strong Pharmaceutical Services, Boehringer Ingelheim Vetmedica, Inc. MediMedia, LLC, Genzyme Corporation, Central Admixture Pharmacy Services, Inc., Sigma Aldrich, Cerilliant Corporation, Piramal Critical Care Inc., Harte-Hanks Direct Marketing, Superior Medical Supply, Inc., Superior Medical Supply, Inc, Edwards Lifesciences, LLC., Keysource Medical Inc., Kuehen + Nagel, Inc., Prodigy Health Supplies Corp., Piramal Critical Care, Inc., National Hospital Specialties, Owens & Minor Distribution, Inc., J.Knipper & Company, Inc., Amgen USA, Inc., Exel Inc., US Oncology Specialty, LP, Diversified Chemical Products, Inc., AmerisourceBergen Drug Corporations and Snow Pharmaceuticals, Inc. The motion was unanimously carried.

Michael Ilodigwe-Pharmacist Renewal Original Licensure

Mr. Ilodigwe submitted a request from the Board to obtain his original license number since Delaware was his original state of licensure.

He explained that he let the Delaware license expire and reapplied to Delaware by reciprocity and at that time of approval of his new application, a new license number was issued. Even though Delaware was his original State of licensure, the State of New Jersey will not process his New Jersey application since his current Delaware license number is not his original license number.

Mr. Dryden will contact Mr. Ilodigwe and the New Jersey Board of Pharmacy and explain the licensure process.

Committee Reports

Joint Practice Committee – Don Holst and Howard Simon

Mr. Holst submitted a report, which showed that four APN has received their prescriptive authority.

Physician's Assistant Report – Sebastian Hamilton, R.Ph:

The Board reviewed the report, which stated that the Council approved six applications for licensure, twelve for controlled substance and non-controlled prescriptive authority.

Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.:

Mr. Dryden reported the newsletter had been drafted, sent to NABP and was ready for publication.

Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., and David Dryden, R.Ph., J.D.:

The Board previous discussed the recommended changes to House Bill 235.

Continuing Education – Sandy Robinson, R. Ph., Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.: No Report

Consumer Affairs – Carolyn Calio, and David Bonar: No report.

Professional Liaison – Sandra Robinson, R.Ph. and Joli Martini, R.Ph:

Ms. Robinson informed the Board that she attended the DPS board meeting where the discussion was on the convention, which will be held on May 25, 26, and 27. They are trying to obtain a speaker for law continuing education and obtain nominees for the Technician of the Year award. There will be a New Practitioner Seminar on April 15-16 at Dewey Beach for practitioners who have been in practice for 5 years or less.

MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, and David Dryden:

Mr. Dryden reported that he had been contacted by NABP to review approximate 240 exam questions.

Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, and Dave Dryden:

As per earlier discussion, there has been a regulation amendment drafted. This draft will be reviewed by the Controlled Substance committee next week for a future hearing.

Substantially Related Crimes Committee - Geoffrey Christ, Howard Simon, Patricia Davis Oliva, and Dave Dryden:

No report

Board Correspondence

There was no correspondence.

Executive Secretary and Inspection Report-David Dryden and Alicia Klugar

Ms. Kluger reported that she completed the following inspections:

- 1 hospital
- 2 nursing homes
- 3 pharmacy providers
- 3 retail pharmacies
- 1 pharmacy opening and 6 pre-opening inspections
- 4 drop-ins
- 1 surgery center

She also reported that she conducted drug audits, which requires reports on usage and records of purchase for individual stores and requested the reports within 5 days so that the inspection can be completed. She also received a call from the Office of Licensing and Inspections Licenses requesting assistance with a surgery center inspection.

Other Business before the Board

The Division Director has submitted a letter to all the Professional Board informing them of the Division's new Chief Hearing Office, Roger Akin, Esq. Mr. Akin will start out by hearing less serious complaints such as unlicensed practice.

Public Comments

None.

Next Scheduled Meeting

The next meeting is scheduled for March 16, 2011.

Adjournment

A motion was made by Mr. Simon seconded by Ms. Robinson, to adjourn the meeting. The motion unanimously carried. The meeting was adjourned at 11:08 a.m.

Respectfully submitted,

Judy Letterman
Administrative Specialist III